

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

|   |   |                                    |
|---|---|------------------------------------|
| Alandres L. Heyward,  | ) |                                    |
|   | ) |                                    |
| Plaintiff,  | ) | Civil Action No. 1:19-cv-01100-TMC |
|   | ) |                                    |
| vs.   | ) |                                    |
|   | ) |                                    |
| Andrew M. Saul, Commissioner of<br>Social Security Administration, <sup>1</sup> | ) | <b>ORDER</b>                       |
|   | ) |                                    |
| Defendant.  | ) |                                    |
|   | ) |                                    |

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Plaintiff Alandres L. Heyward brought this action pursuant to 42 U.S.C. § 405(g) and § 1383(c)(3), seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying her claims for disability insurance benefits (“DIB”) and supplemental security income (“SSI”). (ECF No. 1). This matter is before the court for review of the Report and Recommendation (“Report”) of the United States Magistrate Judge, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a) (D.S.C.). (ECF No. 21). The Report recommends that the Commissioner’s decision be reversed and remanded for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g). *Id.* at 1, 74–76. On May 11, 2020, the Commissioner filed notice with the court that he would not be filing objections to the Report. (ECF No. 22). Consequently, neither party has filed objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the

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<sup>1</sup> Andrew M. Saul became the Commissioner of the Social Security Administration on June 17, 2019. Pursuant to Fed. R. Civ. P. 25(d), Saul should be substituted for Nancy A. Berryhill.

Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough and careful review of the record under the appropriate standards as set forth above, the court adopts the Report of the magistrate judge (ECF No. 21), which is incorporated herein by reference. Accordingly, the Commissioner’s final decision is **REVERSED** pursuant to the fourth sentence of 42 U.S.C. § 405(g), and the case is **REMANDED** back to the Commissioner for further administrative action consistent with the Report, which is incorporated herein.

**IT IS SO ORDERED.**

s/Timothy M. Cain

Timothy M. Cain

United States District Judge

Anderson, South Carolina  
May 12, 2020